

something should be done for the welfare of these human beings. All of which we respectfully submit for the benefit of the Forty-first Legislature and for its consideration.

This, the 16th day of January, 1929.

P. B. Ward, Ex-Senator, Mrs. Earl Cogdell, representing Texas Federation Women's Clubs, Mrs. L. R. Cade, Mrs. D. P. Rock, H. L. Lewis, Mrs. John A. Glen.

Read and referred to Committee on Finance.

THIRTIETH DAY.

Senate Chamber,
Austin, Texas,

Saturday, February 16, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, no quorum being present, the following Senators answering to their names:

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Witt.
Hornsby.	

Absent.

Parr.	Williamson.
Patton.	Wirtz.
Small.	Woodul.

Absent—Excused.

Hyer.	Neal.
Martin.	Russek.
Miller.	Woodward.

Adjournment.

On motion of Senator McFarlane, the Senate, at 10:10 o'clock a. m., adjourned until 10:00 o'clock Monday morning.

THIRTY-FIRST DAY

Senate Chamber,
Austin, Texas,

Monday, February 18, 1929.

The Senate met at 10 o'clock a.

m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Neal.	Wirtz.
Witt.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Pollard:

S. B. No. 539, A bill to be entitled "An Act relating to the State Penitentiary providing for power in the State Board of Control to buy supplies, produce, equipment and materials, including food, clothing, shoes, utensils and appliances, furniture and fixtures, and any and all other supplies, etc., and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Berkeley:

S. B. No. 540, A bill to be entitled "An Act providing for the fixing of the salary of the Banking Commissioner of Texas at Ten Thousand (\$10,000) Dollars per annum and the salary of the Deputy Banking Commissioner at Seven Thousand Five Hundred

(\$7,500) Dollars per annum; expressly repealing that portion of Article 6813, Title 117, Revised Civil Statutes, 1925, relating to the salaries of the Banking Commissioner of Texas, and the Deputy Banking Commissioner, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Berkeley:

S. B. No. 541, A bill to be entitled "An Act fixing limitations on revocations, countermands of payments and stop-payments orders relating to the payment of checks or drafts against bank accounts and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Berkeley:

S. B. No. 542, A bill to be entitled "An Act amending Article 351, Revised Civil Statutes of Texas, 1925, changing and increasing the compensation of the Departmental Examiner of the Department of Banking, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Hardin, Witt, Beck, and Parrish:

S. B. No. 543, A bill to be entitled "An Act authorizing corporations heretofore or hereafter incorporated under the laws of this State, having power under its charter to own or operate a cotton compress, shall have the power to loan money on cotton, or other products of the soil, and to invest its surplus funds in the stock, or other securities, of any corporation incorporated under the laws of this State, having power to loan money on the security of cotton, or other products of the soil."

Read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 544, A bill to be entitled "An Act to amend Article 6109 of the Revised Civil Statutes of Texas, for 1925, regulating the taxing of costs in partition suits and providing for the taxing of an attorney's fee."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Beck:

S. B. No. 545, A bill to be entitled

"An Act creating a more efficient road system for Titus county, Texas; providing that the county commissioners shall cooperate with the State Highway Department in the establishment, construction and maintenance of designated State highways, to be paid for partly by the county and partly by the State or Federal government; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Beck:

S. B. No. 546, A bill to be entitled "An Act creating a more efficient road system for Bowie county, Texas; providing that the county commissioners shall cooperate with the State Highway Department in the establishment, construction and maintenance of designated State highways, to be paid for partly by the county and partly by the State or Federal government; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Williamson:

S. B. No. 547, A bill to be entitled "An Act relating to condemnation of land for rights of way for State highways; amending Article 6704 of the Revised Civil Statutes of Texas 1925, so as to eliminate the limitation as to width of rights of way for road purposes; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senate Joint Resolution No. 24

The Chair laid before the Senate on second reading the following resolution:

S. J. R. No. 24, A joint resolution proposing an amendment to Article 8 of the Constitution of the State of Texas by adding thereto Section 20, providing that all property of the American Legion from which no profits, rents or revenues are derived by said Legion is exempt from all taxation in this State; providing for an election on said amendment and making an appropriation for same."

The resolution was read second time and passed to engrossment.

Senators Excused.

On motion of Senator Miller, Senator Witt was excused for the day on account of important business.

S. C. R. No. 27.

Senator Pollard sent up the following resolution:

Whereas, Texas furnished one-twentieth of the men used in active duty during the recent World War, and

Whereas, The Units composed of Texans bore their share of the brunt of battle and suffered their share of casualties and disabilities, and

Whereas, There has never been located in Texas any large general hospital of the United States Veterans Bureau for the treatment of general disabilities incurred in service, and

Whereas, There has never been located in Texas a hospital for the treatment of mental cases, and

Whereas, It is necessary to send Texas boys out of the State to U. S. Veterans Bureau Hospitals for treatment of such disabilities, and

Whereas, The sub-committee of the Veterans Committee of the House has recently unfavorably reported the recommendation of General W. T. Hines, Director of the United States Veterans Bureau to locate a hospital of three hundred beds in Texas at a cost of one million two hundred thousand dollars (\$1,200,000.00), and

Whereas, During each session millions of dollars are spent building hospitals with thousands of beds in other states; now, therefore, be it

Resolved That the Senate of Texas, the House of Representatives concurring, do hereby memorialize Congress to follow Director Hines' recommendation before adjournment this present session, that a general hospital of three hundred beds, with a ward for mental cases, be established in Texas, at a cost of one million two hundred thousand dollars (\$1,200,000.00), and be it further

Resolved, That it is the request of the House of Representatives of the State of Texas, the Senate of Texas concurring, that a prompt meeting of the full Veterans Committee of both the House and Senate of Congress be called, and that said

recommendation for hospital be favorably reported; and, be it further

Resolved, That a copy of this resolution be sent to the President of the Senate, the Speaker of the House, and the Chairman of the Veterans Committee of the Senate and House of Congress.

The resolution was read and adopted.

Simple Resolution No. 75.

Whereas, By Concurrent Resolution the Texas Legislature recently directed the National Congress to questions in which the Southern States are vitally interested, and

Whereas, The Hon. Eugene Black, Congressman from the First Texas Congressional District, was instrumental in reading into the Congressional Record copies of resolutions urging the return of Confederate records captured by the Federals during the Civil War, and urging equalization of tariff upon raw and manufactured products, and

Whereas, In discussing the contents of the two resolutions Hon. Mr. Black said, in part: (Excerpt from Congressional Record of February 1, 1929, page 2722.)

"Mr. Black of Texas. Mr. Chairman, these two resolutions that have been read deal with meritorious subjects. I shall not speak at length upon them at this time. The first resolution deals with Confederate military records which were seized during the Civil War and which some of the States desire now returned to them for their historical archives. I think that is a reasonable and proper request, and I hope it will receive the favorable consideration of the proper committee of the House.

"The second resolution deals with the subject just discussed by the distinguished gentleman from New York (Mr. Clarke), the question of fixing tariff rates. Our legislature has asked that when the next Congress comes to write a tariff law it shall give equal protection to the products of the ranch and the farm and the orchard as is given to the products of the factory and the mine.

"In the making of tariff laws under Republican administration here-

tofore industry has been the favorite child of protection, and the products of the farm, the ranch, and the orchards have frequently been dealt with as the stepchild of protection by those who wrote the tariff laws. I hope that the Members of Congress from the agricultural States will see to it that in the writing of the next tariff law equal treatment and equal justice shall be given to the products of the farm, the ranch, and the orchard as is given to the products of the factory and the mine. In doing that it will be necessary to follow some sort of a consistent rule, and I think the Democratic platform which was adopted at the Houston convention is as clear and fair a declaration upon the kind of a rule that should be followed as I have seen anywhere.", and

Whereas, Hon. Mr. Black in his brief but able defense of the two resolutions stated correctly the position of Texas legislators and the citizens of Texas, now therefore, be it

Resolved, That the Senate of Texas is deeply appreciative of the interest of Hon. Mr. Black in directing attention of our National legislators to the contents of the two resolutions, and that we are further mindful of his deep and abiding interest in all questions that arise which touch historical, political, social, economic and other interests of Texas and the South, and that in him the South has an able and fearless defender; be it further

Resolved, That a copy of this resolution be enrolled and mailed to Hon. Mr. Black.

The resolution was read and adopted.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 367.	S. B. No. 47.
S. B. No. 406.	S. B. No. 240.
S. B. No. 62.	S. B. No. 449.
S. B. No. 206.	S. B. No. 236.
S. B. No. 37.	S. B. No. 241.
S. B. No. 39.	

Messages From the House.

The Chair recognized the Door-

keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 110, A bill to be entitled "An Act to levy and collect a three-dollar road tax against all able-bodied male citizens of Van Zandt county, Texas, who are between the ages of twenty-one and forty-five years."

H. B. No. 132, A bill to be entitled "An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature, relating to the collateral security to be pledged by depositories for securing State funds, by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas."

H. B. No. 222, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of the State of Texas of 1925 as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature of Texas, passed and approved February 12, 1927, relating to the appointment of assistant district attorneys in judicial districts consisting of more than one county, in which there is situated a city of twenty-eight thousand population or over, according to the last preceding United States census or any United States census which may hereafter be taken, so as to provide for the appointment of assistant district attorneys in such judicial districts in which there is situated a city of twenty-two thousand five hundred population or over, according to the last preceding United States census or any United States census which may hereafter be taken, and declaring an emergency."

With amendments.

H. B. No. 406, A bill to be entitled "An Act to amend Article 955 of

the Revised Criminal Statutes of 1925, prohibiting the sale of fish taken from fresh water streams of certain named counties, and also providing means and methods of taking and possessing fish from fresh water streams in said counties by omitting name of the county of Milam from said list of counties, and declaring an emergency."

H. B. No. 421, A bill to be entitled "An Act providing a ten-year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for ten years or more."

H. B. No. 555, A bill to be entitled "An Act fixing the bag limit on doves and quail in Wood county, declaring the violation of such law to be a misdemeanor."

H. B. No. 563, A bill to be entitled, "An Act amending Article 923pp by providing that it shall be lawful to kill, take and have in possession any furbearing animal except a fox within Limestone county during the "An Act amending Article 923pp open season, and providing that it shall be legal to kill, take and have in possession within Limestone County rabbits at any time."

H. B. No. 588, A bill to be entitled "An Act amending Subdivision 63 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, and providing for an additional term of court for Val Verde county."

H. B. No. 608, A bill to be entitled "An Act granting to cities located in any county of this State of less than 100,000 inhabitants according to the United States census of 1920 and which county contains a city of more than 43,000 inhabitants according to said census the right to execute leases not to exceed a period of ninety-nine years on islands, flats and submerged lands heretofore granted by the State of Texas or the Republic of Texas to such cities."

H. B. No. 624, A bill to be entitled "An Act to amend Chapter 39 of the Local and Special Laws enacted by the Thirty-second Legislature at its Regular Session, convened on January 10, 1911, and adjourned on March 11, 1911, and approved on March 13, 1911, the same being a special road law for Fisher county,

Texas, by adding thereto Sections 15 and 16, authorizing the commissioners' court of Fisher county to issue bonds of said county for the purpose of funding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof."

H. B. No. 632, A bill to be entitled "An Act providing for the payment of salaries of county commissioners in Nacogdoches county out of the road and bridge fund; providing for payment of \$3 for road purposes by those liable to road duty in lieu of such road duty, and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act to amend Section 7 of the Collin county road law, the same being Chapter 79 of the Acts of the First Called Session of the Fortieth Legislature; and declaring an emergency."

By Mr. Ray:

H. B. No. 493, A bill to be entitled "An Act creating a more efficient road system for Bell county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court."

By Mr. Hopkins:

H. B. No. 556, A bill to be entitled "An Act amending Subdivision 25 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the Twenty-fifth Judicial District of Texas."

By Mr. Webb:

H. B. No. 562, A bill to be entitled "An Act creating a more efficient road system for Jeff Davis county, Texas, providing that the county commissioners shall be road commissioners of their respective precincts."

By Mr. Murphy:

H. B. No. 580, A bill to be entitled "An Act to amend Chapter 14, Local and Special Laws enacted by the Thirty-fifth Legislature at its Third Called Session, in 1917, as amended by Chapter 65, Local and Special Laws enacted by the Thirty-sixth Legislature at its Regular Session in 1919, same being a special road law for Trinity county, Texas, by adding thereto a new Section 33-A authoriz-

ing the commissioners court of Trinity county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof."

By Mr. Gilbert and Mr. Chastain:
H. B. No. 584, A bill to be entitled "An Act validating all orders, judgments, and proceedings of the County Court at Law for Eastland county."

By Mr. Duvall, Mr. Kemble, Mr. Beck and Mr. Patterson:

H. B. No. 596, A bill to be entitled "An Act providing for a civil service commission in certain counties for certain offices and providing for competitive examinations, and providing for a board of appeals, designating the members of the commission and providing for a secretary and fixing their salaries and the manner of payment thereof."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 27—Memorializing Congress to follow Director Hines' recommendation relating to a Veterans Bureau Hospital.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Hornsby:

S. B. No. 287, A bill to be entitled "An Act to amend Articles 6205, 6221, and 5227 of Title 109 of the Revised Civil Statutes of 1925 and to amend Article 6214 of Title 109 of the Revised Civil Statutes of 1925, as amended by Chapter 95 of the General Laws of the Fortieth Legislature, and to add Article 6222a, and declaring an emergency."

By Mr. Ackerman:

H. B. No. 355, A bill to be entitled

"An Act to provide a more efficient road system for Montgomery county, Texas; providing that the county commissioners of said county shall be ex-officio road commissioners of their respective precincts; defining their compensation as such; providing for the exercise of the right of eminent domain in opening, widening and straightening the county roads and highways and in securing materials for the construction and maintenance of same, etc.; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Report on S. B. No. 150 by a vote of 100 ayes and 6 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. J. R. No. 10.

The Chair laid before the Senate as special order the following bill:

S. J. R. No. 10, Proposing to amend Article 3 of the Constitution of the State of Texas by adding to Section 48 thereof a provision authorizing the levying of taxes for highway purposes and by adding to Section 49 of said article a provision enabling the Legislature to provide for the extension of the credit of the State for the purpose of the construction and maintenance of a system of highways and reimbursing outlays and assuming obligations, made by counties and defined road districts of the State therefor.

The resolution was read second time.

Senator Woodul sent up the following amendment:

Amend Committee Substitute to S. J. R. No. 10, by adding after Section 1 the following:

Sec. 2. That the foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in July, A. D., 1929.

at which all ballots shall have printed thereon the following:

"For the amendment to Article 3 of the Constitution of the State of Texas enabling the Legislature to levy taxes and extend the credit of the State for the purpose of providing for the construction of a system of highways and reimbursing outlays and assuming obligations made by counties and defined road districts of the State therefor.

"Against the amendment to Article 3 of the Constitution of the State of Texas enabling the Legislature to levy taxes and extend the credit of the State for the purpose of providing for the construction of a system of highways and reimbursing outlays and assuming obligations made by counties and defined road districts of the State therefor."

Sec. 3. The Governor of this State is hereby directed to issue the necessary proclamation, ordering an election to determine whether or not the proposed constitutional amendments, set forth herein, shall be adopted and to have the same published, as required by the Constitution and Laws of this State. And the sum of \$5,000.00 or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury, not otherwise appropriated to defray the expenses of printing said proclamation and holding said election.

The amendment was read and adopted.

Senator Woodul sent up the following amendment:

Amend Committee Substitute S. J. R. No. 10 by inserting after the word "construction" in the seventh line, sixth page, the words, "and maintenance."

The amendment was read and adopted.

Senator Stevenson sent up the following amendment:

Amend the committee amendment to Joint Resolution No. 10 by adding a new paragraph after line 5, on page 7 to read as follows:

"Provided further that any moneys allotted to the counties from the product of bond issues from registration and license fees on motor vehicles, from gross receipt taxes or any other tax on motor vehicles allotted to counties or from other sources, may be used by the counties either to pay interest in whole or in

part, on their outstanding road obligations, redeem any or all of such bonds, or build or maintain lateral roads within such counties, or the districts of such counties."

STEVENSON.

The amendment was read.

Senator DeBerry sent up the following amendment to the amendment:

Amend Substitute offered by the Senator from Victoria for Joint Resolution No. 10 by adding the following:

"Provided further that no part of the seventy-five million dollars highway bonds allotted to the counties and road districts shall be used for any other purpose than to pay interest and redeem outstanding county and district highway bonds, unless the county and its district do not owe the allotted amount in which case the balance may be used on lateral roads."

DeBERRY.

The amendment was read and adopted.

Senator Wirtz sent up the following amendment to the amendment:

Amend the pending amendment by striking out the following: "from registration and license fees on motor vehicles, from gross receipt taxes or any other sources."

WIRTZ.

The amendment was read and adopted.

The amendment as amended was adopted.

Senator Pollard sent up the following amendment:

Amend committee Substitute S. J. R. No. 10, page 6, by adding a new paragraph immediately preceding line 26, as follows:

"Provided, however, no bond or bonds shall be issued, pledged or obligation of any nature whatsoever created thereon unless and except as is authorized by the Legislature of Texas; and in no event, shall the Legislature of Texas authorize the issuance or pledging of any bond or bonds in excess of the sum of twenty million dollars (\$20,000,000.00) in any one year, for highway or road purposes, this limitation not to apply to refunding county or district road bonds, and any obligation or debt of any nature whatsoever created in excess of the sum of Twenty Million Dollars (\$20,000,000.00) in

any one year for highway or road purposes, said bonds shall be null and void, and of no force and effect.

"And provided further that no bond issued under the provisions of this amendment shall draw interest in excess of four per cent 4% per annum; that no bond shall be sold until there has been created an indebtedness to be paid by said bond, and no bond shall draw interest until same has been sold and the State shall have received full payment for said bond at par."

POLLARD.
MOORE.
MILLER.

The amendment was read.

Senate Concurrent Resolution No. 28

Senator Cousins sent up the following resolution:

Whereas, It is the duty of the Legislature of the State of Texas and every citizen of Texas to promote patriotic desires and encourage the people to take a greater interest in this State Government; and

Whereas, The city of Houston entertained in the most successful manner possible, the National Democratic Convention and built a building for that purpose; that now could be used for housing the Legislature, and offices in a part of the building could be arranged for the offices of the Governor; and

Whereas, To meet in the city of Houston would do much to inform the people of Houston and the coast country generally about their State government, and

Whereas, Houston is near the center of, what is known as, the Coast Country that is fast developing and the Legislature will have an opportunity to learn the coast country by learning Houston and her neighboring cities—Galveston, Beaumont, and Port Arthur; therefore be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring; that a committee be appointed from both branches of the Legislature, consisting of three members from the House to be appointed by the Speaker and two members from the Senate to be appointed by the Lieutenant Governor of the State of Texas to make arrangements with the Governor and with the authorities of the city of Houston for the

meeting, in the city of Houston at the first called Session of the Legislature, and that the Legislature meet in the city of Houston and transact such business as the Governor desires to submit during said Called Session.

The resolution was read.

On motion of Senator Cousins, the resolution was laid on the table subject to call.

Message from the Governor

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department,
Austin, Texas, Feb. 18, 1929.
To the Honorable Senate of the State of Texas.

Sirs: I herewith submit the name of Hon. R. L. Murray of Jefferson County for confirmation as district judge of the Criminal District Court of Jefferson County, created by an act passed at this session of the Legislature.

Respectfully submitted,

DAN MOODY.

Read and referred to Committee on Governor's Nominations.

House Bills Referred

H. B. No. 110 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 132 read and referred to Committee on Banks and Banking.

H. B. No. 222 read and referred to Committee on State Affairs.

H. B. No. 406 read and referred to Committee on State Affairs.

H. B. No. 421 read and referred to Committee on Civil Jurisprudence.

H. B. No. 555 read and referred to Committee on State Affairs.

H. B. No. 563 read and referred to Committee on State Affairs.

H. B. No. 588 read and referred to Committee on Judicial Districts.

H. B. No. 608 read and referred to Committee on Public Lands and Land Office.

H. B. No. 624 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 632 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 633 read and referred

to Committee on State Highways and Motor Traffic.

H. B. No. 439 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 562 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 580 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 556 read and referred to Committee on Judicial Districts.

H. B. No. 584 read and referred to Committee on Civil Jurisprudence.

H. B. No. 596 read and referred to Committee on State Affairs.

H. B. No. 335 read and referred to Committee on State Highways and Motor Traffic.

Recess

On motion of Senator Stevenson the Senate at 12:10 o'clock p.m., recessed until 2:00 o'clock p.m.

After Recess

The Senate met at 2:00 o'clock p.m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Joint Resolution No. 10

The question recurred upon Senator Pollard's amendment to S. J. R. No. 10.

Senator Woodul sent up the following amendment to the amendment:

Amend amendment line four from bottom by causing the words "4% per annum" to read "4 1-2% per annum."

WOODUL.

Senator Pollard moved to table the amendment to the amendment.

The motion prevailed.

Senator Love sent up the following amendment to the amendment:

Amend the amendment by striking out all after the words "4% per annum" and inserting in lieu thereof, the following: "And no such bonds shall be sold for less than par and accrued interest."

LOVE.

The amendment was read and adopted.

The amendment as amended was adopted.

Senator Martin moved to recommit the resolution to the Committee on Constitutional Amendments.

Senator Woodul moved to table the motion. The motion prevailed by the following vote:

Yeas—15.

Beck.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Love.	Wirtz.
Parrish.	Woodul.
Patton.	Woodward.
Pollard.	

Nays—12.

Berkeley.	Hyer.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Hornsby.	Parr.

Absent.

Russek.	Small.
---------	--------

Absent—Excused.

Neal.	Witt.
-------	-------

Senator Love sent up the following amendment:

Amend by inserting after the words "System of Highways" in line 7, page 6, and also in line 18, page 6, of the printed substitute bill the words "including lateral roads."

LOVE.

The amendment was read.

Senator Stevenson sent up the following substitute for the amendment:

Amend the committee substitute to Joint Resolution No. 10 by inserting in line 3, page 7, after the word "highway" the words "or road."

STEVENSON.

The substitute was read and lost by the following vote:

Yeas—13.

Beck.	Small.
Cousins.	Stevenson.
Greer.	Williamson.
Holbrook.	Wirtz.
Parrish.	Woodul.
Patton.	Woodward.
Russek.	

Nays—16.

Berkeley.	Gainer.
Cunningham.	Hardin.
DeBerry.	Hornsby.

Hyer.	Moore.
Love.	Parr.
Martin.	Pollard.
McFarlane.	Thomason.
Miller.	Westbrook.

Absent—Excused.

Neal. Witt.

The amendment by Senator Love was adopted by the following vote:

Yeas—15.

Berkeley.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Hardin.	Parr.
Hornsby.	Pollard.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	

Nays—14.

Beck.	Russek.
Cousins.	Small.
Cunningham.	Stevenson.
Greer.	Williamson.
Holbrook.	Wirtz.
Parrish.	Woodul.
Patton.	Woodward.

Absent—Excused.

Neal. Witt.

Senator Hornsby sent up the following amendment:

Amend C. S. S. J. R. No. 10 by inserting in line 8 on page 6 after the word "counties" the following: "for bridges and roads."

HORNSBY.

The amendment was read and lost by the following vote:

Yeas—11.

Berkeley.	Miller.
Gainer.	Moore.
Hornsby.	Parr.
Hyer.	Parrish.
Martin.	Pollard.
McFarlane.	

Nays—18.

Beck.	Russek.
Cousins.	Small.
Cunningham.	Stevenson.
DeBerry.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Love.	Woodul.
Patton.	Woodward.

Absent—Excused.

Neal. Witt.

Senator Pollard sent up the following amendment:

Amend C. S. S. J. R. No. 10, page 6, by adding after the semicolon in line 31, the following:

"Provided no ad valorem property tax shall ever be assessed or collected to pay bonds issued under the provisions of this amendment, unless and until a tax on gasoline at a minimum rate of five cents per gallon levied and collected in Texas shall be insufficient to collect the amount of money necessary to pay the interest and sinking fund of the bonds issued under the provisions of this amendment as same matures."

POLLARD.

The amendment was read.

Senator Cousins moved to adjourn until 10:00 o'clock Tuesday morning. The motion was lost by the following vote:

Yeas—13.

Beck.	Stevenson.
Cousins.	Thomason.
Love.	Westbrook.
Martin.	Wirtz.
Patton.	Woodul.
Russek.	Woodward.
Small.	

Nays—16.

Berkeley.	Hyer.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Pollard.
Hornsby.	Williamson.

Absent—Excused.

Neal. Witt.

Senator Love moved to table the pending amendment. The motion was lost by the following vote:

Yeas—10.

Greer.	Stevenson.
Holbrook.	Westbrook.
Love.	Williamson.
Parrish.	Wirtz.
Small.	Woodward.

Nays—17.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Moore.
Gainer.	Parr.
Hornsby.	Patton.
Hyer.	Pollard.
Martin.	Thomason.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Neal. Witt.

(Pair Recorded.)

Senator Hardin (present), who would vote nay with Senator Russek (absent), who would vote yea.

Adjournment.

Senator Stevenson moved to adjourn until 10:00 o'clock Tuesday morning. The motion prevailed by the following vote:

Yeas—14.

Beck.	Small.
Cousins.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Love.	Woodul.
Patton.	Woodward.

Nays—13.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Hornsby.	Parrish.
Hyer.	Pollard.
Martin.	

Absent.

Russek. Williamson.

Absent—Excused.

Neal. Witt.

At 5:00 o'clock p. m., the Senate adjourned until 10:00 o'clock Tuesday morning.

APPENDIX.

Petitions and Memorials.

HARRY P. LAW THER
Suite 1203-1208 Magnolia Bldg.
Dallas, Texas, Feb. 15, 1929.
Hon. Barry Miller,
Capitol Station,
Austin, Texas.
My dear Governor:

The Bar Association of Dallas will celebrate the anniversary of the Texas Declaration of Independence March 2, and will be addressed on that occasion by Senator Joseph W. Bailey.

The Bar Association of Dallas extends to you, and, through you, extends to each individual member of the Senate, an invitation to be present with us upon that occasion as our guests.

The meeting will be held at 12 noon sharp in the Crystal Ballroom of the Baker Hotel. I would thank you to make this invitation known to the members of the Senate, and we would be very much pleased to have you all with us upon that occasion.

Yours very truly always,

HARRY P. LAW THER

President Bar Association of Dallas.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 37 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

MOORE, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 39 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

MOORE, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 47 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

MOORE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 62
carefully examined and compared,
and find the same correctly enrolled,
and have this day at 11 o'clock a.
m. presented the same to the Gov-
ernor for his approval.

MOORE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 206
carefully examined and compared,
and find the same correctly enrolled,
and have this day, at 11 o'clock a.
m. presented the same to the Gov-
ernor for his approval.

MOORE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 236
carefully examined and compared,
and find the same correctly enrolled,
and have this day at 11 o'clock a.
m. presented the same to the Gov-
ernor for his approval.

MOORE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 240
carefully examined and compared,
and find the same correctly enrolled,
and have this day, at 11 o'clock a.
m. presented the same to the Gov-
ernor for his approval.

MOORE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 241
carefully examined and compared,
and find the same correctly enrolled,
and have this day, at 11 o'clock a.
m. presented the same to the Gov-
ernor for his approval.

MOORE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 449
carefully examined and compared,
and find the same correctly enrolled,
and have this day, at 11 o'clock a.
m. presented the same to the Gov-
ernor for his approval.

MOORE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 406
carefully examined and compared,
and find the same correctly enrolled,
and have this day, at 11 o'clock a.
m. presented the same to the Gov-
ernor for his approval.

MOORE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 367
carefully examined and compared,
and find the same correctly enrolled,
and have this day, at 11 o'clock a.
m. presented the same to the Gov-
ernor for his approval.

MOORE, Vice-Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 220
carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 366
carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 210 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 353 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

S. R. No. 46, a resolution "Relative to the payment of the expenses of the committee selected to conduct a contest for the adoption of the State song."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be adopted.

POLLARD, Chairman.

The resolution was read and adopted.

Committee Room,

Austin, Texas, Feb. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 505, A bill to be entitled "An Act to amend Art. 4799, Title 78 Chapter VI of the Revised Statutes of 1928, by increasing the burial fund from One Hundred Dollars to Five Hundred Dollars, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the accompanying Committee Amendment, and be printed.

MOORE, Chairman.

Committee Amendment.

Amend S. B. No. 505 by striking

out in the caption and in the Bill, the words Five Hundred (\$500.00) Dollars, and inserting in lieu thereof the words "Three Hundred (\$300.00) Dollars."

Committee Room,

Austin, Texas, Feb. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 373, A bill to be entitled "An Act to amend Article 1328 of the Revised Civil Statutes of the State of Texas of 1925, relating to the keeping of records of stock and transfer thereof and of all of the business transactions of a private corporation, and providing that the books and records shall, at all reasonable times, be open to the inspection of any stockholder, by adding thereto provisions that this right also shall avail to any stock or shareholder in any corporation, partnership, or trust, holding any of the shares of a subordinate corporation, as well as to the stockholders thereof, as against such subordinate corporation; and providing that on the denial of the right of inspection each stock or shareholder shall recover a penalty from the corporation at the rate of \$10.00 per day from the time of the denial of inspection, and that such persons may sue, at their option, for the penalty in connection with a suit for mandamus to procure the inspection and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass but that committee substitute hereto attached do pass in lieu thereof.

SMALL, Vice-Chairman.

Committee Report.

Austin, Texas, Feb. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 344, A bill to be entitled "An Act relating to the sale of and defining agricultural seeds and mixed seeds; requiring the filing of representative samples and statements of quality of seed by seed dealers; prohibiting mixtures of seeds unless so labeled; providing for the collection of samples and their examination; defining noxious weeds and foreign matter; providing that certi-

fications of analysis by the Commissioner of Agriculture shall be prima facie evidence in certain cases and regulating the measure of damages. designating an officer for the enforcement of the law and fixing penalties for its violation; and repealing Chapter 4, Title 4, Vol. 1, Revised Civil Statutes of 1925."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

Respectfully submitted,
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 509, A bill to be entitled "An Act to establish and maintain an agricultural experiment station on the South Plains of Texas, in the region occupied by the counties of Cochran, Yoakum, Gaines, Andrews, Terry and portions of Lynn and Dawson counties, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, empowering said board to establish and maintain same, to accept donations of land, water and money for the establishing of said station, making an appropriation to pay the cost of establishing said station and for the operation of same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the Committee Amendment.

Respectfully submitted,
CUNNINGHAM, Chairman

Committee Amendment.

Amend S. B. No. 509, by striking out Section 4, thereof, and by numbering Section 5, Section 4.

Committee Room,
Austin, Texas, Feb. 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 345, A bill to be entitled "An Act to safeguard the public in the purchase of pure bred agricultural seed, true to name; providing that the State Board of Plant

Breeder Examiners shall be hereafter known as the State Seed and Plant Board; further defining their duties; establishing a system of registration and certification for agricultural field crops; providing that the State Seed and Plant Board shall prescribe all necessary rules and regulations and pass upon the applications of breeders and growers for registration and certification; providing, further that the Commissioner of Agriculture shall make necessary inspection for the proper enforcement of said Act, and shall have printed tags placed upon bags and other containers of agricultural field seed offered for sale under the terms of this Act; and shall charge a fee for same to enforce the provisions of this Act; prescribing penalties for the violation of said Act, providing that this Act shall be cumulative of Chapter 2, of Title 4, Vol. 1, Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

Respectfully submitted,
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 525, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the North Plains region of Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas, to select a suitable location for said station, and empowering said Board to establish and maintain the same, to accept donations of lands, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station and for the operation of same and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

Respectfully submitted,
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Agriculture, to whom was referred

S. B. No. 512, A bill to be entitled "An Act requiring the collection of statistical information through the county tax assessor relating to agriculture, horticulture, stockraising, manufacturing and mines; requiring the furnishing of blanks for such purposes; requiring returns of such information to be filed with county clerks; requiring reports to the commissioner of agriculture; prescribing duties of the Commissioner of agriculture relative to such statistics and information; enacting other provisions incidental to the subject of the act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence, to whom was referred

H. B. No. 161, A bill to be entitled "An Act amending Article 591 of the Code of Criminal Procedure of the State of Texas, 1925, relating to the selection of special venire, so as to make said Article apply in any county having a population of at least fifty-eight thousand or having therein a city containing a population of at least twenty thousand as shown by the preceding Federal Census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred

H. B. No. 118, A bill to be entitled "An Act to amend Article 880, Revised Criminal Statutes of 1925, as amended by Chapter 24 of the First Called Session of the Thirty-ninth

Legislature, so as to make it unlawful to hunt wild deer with dogs in Hardin, Liberty, Walker, San Jacinto, Madison, Leon and Wharton Counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments herewith attached.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred

S. B. No. 76, A bill to be entitled "An Act to amend Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to Public Weighers, by amending Articles 5680, 5681, 5689, 5694, 5695, 5704; repealing Articles 5682 and 5692, in Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and amending Article 1052; repealing Article 1047; adding Articles 1052a, 1052b, 1052c, 1052d, 1052e, to Revised Criminal Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute be passed in lieu thereof.

MILLER, Chairman.

THIRTY-SECOND DAY.

Senate Chamber,

Austin, Texas, Feb. 19, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hornsby.